

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No.: 09-50779
Chapter 7

Dennis E. Hecker,

Debtor.

NOTICE OF HEARING AND MOTION FOR TURN OVER OF PROPERTY

TO: The Debtor above-named and his attorney, Barbara J. May, Attorney at Law, 2780 Snelling Avenue North, Suite 102, Roseville, MN 55113.

1. Randall L. Seaver, the Chapter 7 trustee herein, moves the Court for the relief request below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m. on December 8, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than December 3, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. § 542(e) and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this court.

6. An auction was held by the trustee to sell property of the estate on May 25, 2010. The auction was conducted by Fred W. Radde & Sons, Inc. The auction had an on-line bidding component. Those who were bidding online had to register and provide evidence of ability to

pay as a part of their qualification. The trustee has received the following information: Dennis Hecker, the debtor, participated in the online bidding through use of the name "Warehouse Merchandising." In conjunction with the qualification of "Warehouse Merchandising," Hecker provided a Visa credit card which ended in the numbers 5033. Using the name "Warehouse Merchandising" and the Visa credit card, Hecker bid online and was the successful purchaser of two items, a Yamaha 50 dirt bike, for \$950, and a 2006 Harley Davidson 1250 Screaming Eagle Vrod for \$15,900. A copy of the "Proxibid - Auction Builders - Winner Bidder List" reflecting that winning bid and the Visa card is attached hereto as Exhibit A. The name of another, unrelated, successful bidder has been redacted.

7. After Hecker was apparently the successful bidder for the dirt bike and the 2006 Harley, Automotive Concepts made the actual payment to Radde for the purchase of those two items. A copy of June 11, 2010 correspondence from Radde to Automotive Concepts confirming those facts is attached as Exhibit B.

8. Dennis Hecker would have information regarding "Warehouse Merchandising" and the credit card by which Hecker apparently secured his winning bids under the name "Warehouse Merchandising" on the dirt bike and the 2006 Harley.

9. Dennis Hecker used some of the estate's Prudential Insurance funds, converted by Hecker, to purchase Western Union money orders. One such Western Union money order ending in "9134," in the amount of \$1,000, was apparently delivered by Hecker to "Golf Galaxy." Any items purchase by Hecker from Golf Galaxy using those converted funds is property of the estate. A demand has been made upon Hecker to turn over items purchased. Nothing has been turned over. The trustee seeks turn over of whatever items were purchased by Hecker using the Western Union payment to Golf Galaxy attached hereto as Exhibit C. In his

"accounting" to the trustee as ordered by this Court, Hecker did not mention any payment to Golf Galaxy.

10. The trustee demands turn over of the following:

- a. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033 used to secure or guaranty bidding for the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.
- b. Copies of all documents evidencing the ownership of "Warehouse Merchandising."
- c. Copies of all documents and information, whether by e-mail or otherwise, submitted by or on behalf of Dennis Hecker to Proxibid in order to qualify, or register for bidding.
- d. Copies of any and all agreements between, on one hand, Dennis Hecker or Warehouse Merchandising, and, on the other hand, Automotive Concepts, regarding the purchase of the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.
- e. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order attached hereto Exhibit C.

WHEREFORE, the trustee requests an order of the court requiring turn over of the following documents:

1. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033 used to secure or guaranty bidding for the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.
2. Copies of all records evidencing payment of the bills for Visa card ending in 5033.
3. Copies of all documents evidencing the ownership of "Warehouse Merchandising."
4. Copies of all documents and information, whether by e-mail or otherwise, submitted by Dennis Hecker or on behalf of Proxibid in order to qualify, or register for bidding.
5. Copies of any and all agreements between, on one hand, Dennis Hecker or Warehouse Merchandising, and, on the other hand, Automotive Concepts, regarding the purchase of the Yamaha 50 dirt bike and the 2006 Harley Davidson motorcycle.

6. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order attached as Exhibit C.

**LEONARD, O'BRIEN,
SPENCER, GALE & SAYRE LTD.**

Dated: November 18, 2010

/e/ Matthew R. Burton
By: _____
Matthew R. Burton #210018
Attorneys for Trustee
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing notice of hearing and motion for turn over of property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on November 18, 2010

/s/ Randall L. Seaver

Randall L. Seaver, Trustee

430751

Click [here](#) to download information in CSV format.

Fred W. Radde & Sons, Inc.
DENNY HECKER (Bankruptcy Case # 09-50779) :
5/25/2010

PRIVATE & CONFIDENTIAL - This document is not intended to
be printed or reproduced in any format.
Winning Bidder Count: 2

Name: Warehouse Merchandising	Username: Buyer99	Paddle #: 3215
Contact Information:	Billing Address:	Shipping Address:
Phone: (612) 386-5000	Warehouse Merchandising	Warehouse Merchandising
Phone 2:	201 2nd street suite 120	201 2nd street suite 120
Mobile:	minneapolis, MN 55401	minneapolis, MN 55401
Fax:	United States	United States
Email:		
warehousemerchandising@yahoo.com		
Credit Card: Visa	Buyer's Premium: 10.00%	Sub Total: \$16,850.00
XXXXXXXXXXXX5033 5/2012	Shipping & Handling: \$0.00	Sales Tax: 0.000%
Bank:	Misc: \$50.00	Total: \$18,585.00
No Contact	Cash Discount: 0.00%	Total After Discount: \$ 18,585.00

Lot #	Title	Hammer Price
8	Yamaha 50 dirt bike VIN JYA3PT0351A017744	\$950.00
18	2006 Harley 1250 Screaming Eagle V Rod Model VRSCSE2	\$15,900.00

Name: Warehouse Merchandising
Username: Buyer99
Paddle # 3215

Credit Card Submitted is under the name of Warehouse Merchandising, 201 2nd Street Suite 120, Minneapolis, MN 55401 (Business VISA)

Per Angie at Proxibid

FRED W. RADDE & SONS, INC.
POST OFFICE BOX 70
5545 COUNTY ROAD 33
NEW GERMANY, MN 55367-0070



OFFICE/AUCTION CENTER
PHONE: (952) 446-1441
FAX: (952) 446-1940
E-MAIL: FRED@FREDRADDE.COM
WEB SITE: WWW.FWR-AUCTIONEERS.COM

June 11, 2010

Automotive Concepts
Attention: Catherine
2731 Nevada Avenue North
New Hope, MN 55427

Subject: Denny Hecker Titles and Registrations

Dear Catherine,

Enclosed and forwarded to you, with respect to the above referenced subject, please find two Certified Copies of the documents from the United States Bankruptcy Court District of Minnesota in reference to this case.

These documents along with the ones given to you for your purchase of the 2006 Harley 1250 Screaming Eagle V Rod and the Yamaha 50 dirt bike must be submitted to obtain clear title/registration.

If you have any questions, please call our office at 952-446-1441, or Marlene, Deputy # 70, at 952-442-4038.

Sincerely,

Fred W. Radde III
FRED W. RADDE & SONS, INC.

FWRIII:cge

Enclosure(s)

FRED W. RADDE III, AUCTIONEER - MINNESOTA AUCTION LICENSE 10-04

EXHIBIT **B**

WESTERN UNION MONEY ORDER		WESTERN UNION FINANCIAL SERVICES INC. - ISSUER	
Payable to Whom Large Bank Grand Junction, Durango, N.A. Grand Junction, Colorado		Englewood, Colorado	
Pay to the order of 2165		14-066769134	
EXACTLY \$1000.00		\$1000.00	
PAY EXACTLY ONE THOUSAND DOLLARS AND NO CENTS		PAYMENT FOR/ACCT. #	
ORDER OF GOLF GRADY		PURCHASER'S ADDRESS	
:102100400: 40140667691343		Back	

SERVICE CHARGE
If this Money Order is not used or cashed (presented for payment) within one (1) year of the purchase date, there will be a non-refundable service charge applied (where permitted by law). The service charge will be deducted from the amount shown on the Money Order. The service charge is fifty cents (50c) per month from the date of purchase, not to exceed forty-two dollars (\$42) (or where such charge exceeds the maximum amount permitted by law, the maximum amount permitted by law).

NOTICE Do not cash this Money Order for any person from whom you are not able to recover your payment. Should this item bear any unauthorized signature, be stolen, lost, or altered, issuer will either stop payment and charge back against any endorser. For more information, call 1-800-899-9560.
Holding Order # 14-066769134, Money Order # 14-066769134, CERT # 14-066769134, RETURNED CHECKS TO: [REDACTED]
5-03002 R-1 1-4679 A-0177208
SALENDORSE ABOVE THIS LINE
CHECK AMOUNT: 1,000.00
AUTH CODE: [REDACTED]
ID# [REDACTED]
06/26/10 09:16 AM

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2010, I caused the following documents:

Notice of Hearing and Motion for Turn Over of Property and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Dennis E. Hecker
1615 Northridge Drive
Medina, MN 55391

Michael B. Lubic
10100 Santa Monica Blvd 7th Floor
Los Angeles, CA 90067

Mr. Dennis Hecker
c/o Sherburne County Jail
13880 Highway 10
13880 Business Center Drive
Elk River, MN 55330-4601

Michael W. Malter
Binder & Malter LLP
2775 Park Avenue
Santa Clara, CA 95050

/e/ Stephanie Wood

Dated: November 18, 2010

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No.: 09-50779
Chapter 7

Dennis E. Hecker,

Debtor.

ORDER

This case is before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turn over of property of the estate.

Upon the motion and the files,

IT IS ORDERED that within 7 days from the entry of this order, the debtor shall turn over to the trustee:

1. Copies of all monthly statements from January 1, 2010 - November 1, 2010 for the Visa card ending in 5033.
2. Copies of all records evidencing payment of the bills for Visa card ending in 5033.
3. Copies of all documents evidencing the ownership of "Warehouse Merchandising."
4. Copies of all documents and information, whether by e-mail or otherwise, submitted by or on behalf of Dennis Hecker to Proxibid in order to qualify, or register for bidding.

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6. Any and all items purchased by Dennis Hecker from Golf Galaxy using the Western Union money order ending in numbers 9134.

430753

United States Bankruptcy Court Judge